

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1828 OF 2004

M/S.BATA INDIA LTD.

..APPELLANT

VERSUS

THE STATE OF HARYANA & ORS.

..RESPONDENTS

O R D E R

1. This appeal by special leave is directed against the judgment and order passed by the High Court of Punjab and Haryana at Chandigarh in Review Application No.296 of 2003 in C.W.P. No. 4341 of 1991, dated 22.08.2003.

2. The appellant has preferred Review Application No. 296 of 2003 in C.W.P. No. 4341 of 1991 before the High Court of Punjab and Haryana at Chandigarh whereby and whereunder the High Court in its impugned judgment and order has dismissed the Review Application and observed that the amended provisions of the Haryana General Sales Tax (Amendment) Act, 1991 (Haryana Act 4 of 1991) shall not apply to the assessment year in question i.e. 1984-1985.

3. The appellant had called in question the correctness or otherwise of the order of the Punjab and Haryana High Court in Civil Writ Petition No.4341 of 1991 before this Court in Special Leave Petition No.12311 of 2002. This Court, by its order dated 22.7.2002 had dismissed the Special Leave Petition solely on the ground that the appellant has already preferred a Review Petition before the High Court, inter alia, seeking review of the judgment and order passed in Civil Writ Petition No.4341 of 1991. This Court had not permitted the petitioner to file yet another Special Leave Petition, if, for any reason, the Review Petition filed by it is dismissed by the High Court. Be that as it may.

4. In the instant case, the appellant, without questioning the order passed in Civil Writ Petition No.4341 of 1991, has only questioned the order passed in review petition preferred by it before the High Court. If, for any reason, the petitioner is aggrieved by the judgment and order passed by the High Court and the review order passed therein, it should have questioned not only the review order but also the main order. In view of above the civil appeal is not maintainable.

5. The civil appeal is dismissed accordingly.

6. Question of law raised in kept open to be agitated in an appropriate case.

Ordered accordingly.

.....J.
(H. L. DATTU)

.....J.
(C. NAGAPPAN)

NEW DELHI;
DECEMBER 12, 2013
ITEM NO.103

COURT NO.3

SECTION IIIA

CIVIL APPEAL NO(s). 1828 OF 2004

M/S. BATA INDIA LTD.

Appellant (s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(With office report)

Date: 12/12/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr.Dhruv Agarwal, Sr.Adv.
Mr.Rajiv Agnihotri, Adv.
Mr. Praveen Kumar,Adv.
Ms.Sunaina Kumar, Adv.

For Respondent(s) Mr.Manjit Singh,AAG
Mr.Tarjit Singh, Adv.
Mr.Vinay Kuhar, Adv.
For Mr. Kamal Mohan Gupta,Adv.

UPON hearing counsel the Court made the following
O R D E R

The Civil Appeal is dismissed, in terms of the signed order.

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar